**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO. 2622 OF 2007**

Sonali @ Priti Machindra Dighe. ... Applicant.

Vs.

State of Maharashtra. ... Respondent.

Ms P.P.Tendulkar, i/b Mr S.P.Hulyalkar,
Advocate for the Applicant.

Ms M.H.Mhatre, APP for the Respondent.

**CORAM: V.C. DAGA,J.**

**DATED: 29.08. 2007.**

**P.C. :**
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1. Heard learned counsel for the applicant and the learned APP for the State.

2. Perused application and the material available on record.

3. The applicant is seeking bail in CR No. of 2007 registered with Police for the offence under sections 498-A, 302 read with section 34 of the I.P.C. The prosecution case is that from 1998, the applicant and the relatives of the applicant ill-treated the deceased Surekha Mahesh Bahirat.

4. On 14.6.2007 one of the accused beat Surekha. Applicant and the other co-accused poured kerosene on the person of the deceased Surekha and set her on

fire. Later on the victim was hospitalized. However, she succumbed to burn injuries.

5. In the above circumstances, offence came to be registered on the basis of statement given by the deceased. Name of the present applicant is not to be found in the the first dying declaration. However, in the subsequent two Dying Declarations the applicant came to be implicated.

6. Apart from the above dying declarations, the statement of the daughter of the deceased aged about seven years is also on record which implicates the present applicant.

7. In first dying declaration, it is no doubt true that the applicant has not been implicated but the deceased has stated that while preparing tea on the gas stove, fire caught her. However, material available on record does not show damage either to the gas cylinder or the burner of a gas (stove).

8. In the circumstances, other two dying declarations become relevant and important. It would be a matter of appreciation of evidence in the trial. Much will depend upon the existence of corroborative evidence and other circumstances, which can,

ultimately, be appreciated in the trial, it being a matter of evidence. At any rate, it is not a case of no evidence. Rather, it is a case which implicates applicant with strong suspicion.

9. It is no doubt true that the applicant is a student, aged about 20 years. She being a woman needs special sympathetic consideration. However, the mode, manner and the background in which the heinous offence is committed, these two factors by itself cannot be given prime importance. Having considered these facts and the nature of crime with the evidence on record, I am of the considered view that the applicant is not entitled for bail. Consequently, the application is rejected.

10. At this stage, the learned counsel for the applicant after taking instructions from the applicant, seeks one week time to surrender. Accordingly one week's time is granted to surrender.

12. Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

**(V.C.DAGA,J.)**